

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: January 24, 2001
TIME: 9:00 am
PLACE: DLNR Board Room
Kalanimoku Bldg.

Chairperson Gilbert S. Coloma-Agaran called the meeting of the Commission on Water Resource Management to order at 9:12 a.m.

The following were in attendance:

MEMBERS: Mr. Gilbert S. Coloma-Agaran, Dr. Bruce Anderson, Mr. Robert Giraldo, Mr. Brian Nishida, Mr. David Nobriga, Mr. Herbert Richards, Jr.

STAFF: Ms. Linnel Nishioka, Mr. Roy Hardy, Mr. Ed Sakoda, Mr. Eric Hirano, Mr. Dean Nakano, Ms. Lenore Nakama, Mr. David Higa, Mr. Dean Uyeno

COUNSEL: Edsel Yamada

OTHERS: Gordon Tribble, Barry Hill, Joel Criz, John Loevenguth, Nick Dizon, Meredith Ching, Scott Matsuura, Chester Lao, Tom Namce, Manabu Tagomori and others

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties. The items were not taken in the order posted on the agenda.

1. Minutes of the December 20, 2000 meeting

MOTION: (NOBRIGA/GIRALD)
To approve the minutes.
UNANIMOUSLY APPROVED.

2. Minutes of the January 11, 2001 Waipio Valley site visit

MOTION: (RICHARDS/NOBRIGA)
To approve the minutes.
UNANIMOUSLY APPROVED.

3. Old Business/Announcements by Deputy Director Linnel Nishioka

Deputy Director Nishioka briefed the Commission on her two-page summary of the budget request for this year's legislation, the detailed budget testimony that was submitted to the Senate Committee on Ways and Means (WAM) and the Commission's administrative bill that is the only bill that the Commission is introducing this session. The Commission's budget hearing with WAM is scheduled for January 25, 2001.

A joint briefing to Senator Lorraine Inouye's Committee on Water, Land, Energy and Environment and Representative Ezra Kanoho's Committee on Water and Land Use is scheduled for Monday, January 29, 2001. Deputy Director Nishioka will give a 20-minute powerpoint presentation on Waiahole.

4. Kawailoa Development Corporation AFTER-THE-FACT APPLICATION FOR WELL PERMIT, Secondary Source (Well No. 5226-02), Pump Installation: 2000 gpm for Backup (Hotel Air-Conditioning and Refrigeration System) Use TMK 2-9-01:01, 1571 Poipu Road, Kauai

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

AMENDED RECOMMENDATIONS:

The staff recommends that the Commission:

- A. Find Kawailoa Development Corp. in violation of §174C-84 HRS for unpermitted pump installation.
- B. Find that the violation was not a willful violation.
- C. Issue a warning that any future such violation will be considered a willful violation and will result in a fine of at least five hundred dollars (\$500) per violation.
- D. Approve the issuance of an after-the-fact pump installation permit for ~~2,880~~ 2,000 gpm for Secondary Source (Well No. 5226-02), subject to the standard conditions in Exhibit 5, and the following special conditions:
 1. Attached for the permittee's information are copies of the Department of Health's review comments (Exhibits 6 and 7).
 2. Standard Condition 5 is modified to require the submittal of Well Completion Report Part II within sixty (60) days from the date of this submittal.

MOTION: (GIRALD/NOBRIGA)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

5. Cooperative Agreement with U.S. Geological Survey for Statewide Hydrologic Data Collection and Water Resource Investigations for Fiscal Year (FY) 2001

PRESENTATION OF SUBMITTAL: Mr. Eric Hirano

RECOMMENDATIONS:

That the Commission approves the subject cooperative agreement between the Commission and the U.S. Geological Survey, and authorizes the Chairperson to execute the appropriate documents.

Final contract execution shall be contingent upon receiving the Governor's approval in accordance with Executive Memorandum No. 00-04 and approval of the contract by the Department of the Attorney General.

TESTIMONY BY APPLICANT:

Mr. Gordon Tribble and Barry Hill of the U.S. Geological Survey (USGS) provided a powerpoint presentation to the Commission. They gave an overview of the data collection on Oahu and the program goals and directions that is in participation with the Water Commission and other participating agencies. A handout was distributed to the Commissioners.

TESTIMONIES:

Commissioner Giraldo stated that he is concerned about the recent decline in agriculture and how data gathering would help the agriculture industry.

Commissioner Richards stated that rain gages are needed in most areas because of the increasing need for water.

Commissioner Anderson stated that there are no clearinghouse functions where information is obtained from the various water departments and other agencies where information can be presented in a coherent comprehensive way. He is hoping that USGS would envision this in the future. He also anticipates the clearinghouse functions would be a potential problem. Lastly, Commissioner Anderson stated that a more comprehensive way of collecting data is needed such that it is readily available to whoever is interested.

Mr. Gordon Tribble made clarification to Commissioner Anderson's last statement in that all data that are collected for the Water Commission are published in an

annual data report. This book contains data only for stations that are run by the USGS and other agencies for which the Water Commission is the largest in the State. The USGS is reformatting the process of data collecting so that there would be no duplications. They are looking to making the data readily available online.

Deputy Director Nishioka talked about the coordination of compiling the data. She stated that the Commission has essentially been repository for the records on pumpage and other information required to be reported under the Code. The Commission is the repository for this data information. Some of the data has been included in the Commission's web page.

Chester Lao of the Board of Water Supply agrees with Gordon Tribble's intentions of making data readily available. He stated that the Board would be willing to cooperate in coordination of data collection.

Commissioner Anderson stated that the methods of data collection and making the information readily available should be looked at into the future. He is concerned that if the number of stations is reduced we don't lose the ability to make that information available. It might be more helpful to have a more coordinated collection system where the information can be expanded and available to everyone.

MOTION: (NOBRIGA/RICHARDS)

To approve the submittal.

UNANIMOUSLY APPROVED.

6. A&B Properties, Inc. REVOCATION OF WATER USE PERMITS, ORDER TO ABANDON/SEAL WELLS, A&B Aiea 1 & 2 Wells (Well Nos. 2255-35&36), TMK 9-9-05:25, Waimalu Ground Water Management Area, Oahu

Chairperson Agaran and Commissioner Richards recused themselves from this item. Commissioner Nobriga chaired the remainder of the meeting.

PRESENTATION OF SUBMITTAL: Ms. Lenore Nakama

RECOMMENDATIONS:

Staff recommends that the Commission:

1. Revoke WUP Nos. 87 and 88.
2. Order the well owner, A&B Properties, Inc. to properly abandon/seal Well Nos. 2255-35 & 36 within two (2) years.
3. Approve the issuance of the Well Construction Permit to Abandon/Seal, shown in Exhibit 6.

TESTIMONIES:

Mr. Joel Criz, representing Crazy Shirts, Inc. in the development and sale of the former Aiea Sugar Mill property, spoke in favor of the revocation of the water use permits and asked the Commission to order sealing of the wells within 30 days and not within two years as stated in staff's recommendations. Mr. Criz stated that by not sealing the wells as soon as possible would cause financial hardship to Crazy Shirts, Inc. because the sale of the property to Waimalu Grace Brethren Church could not be completed. He also stated that Crazy Shirts, Inc. would assume all expenses.

Mr. John Loevenguth, Executive Vice President and Chief Financial Officer of Crazy Shirts, Inc. spoke in support of Mr. Criz's testimony.

Mr. Nick Dizon of Waimalu Grace Brethren Church's main concern is to conclude the sale of the property to the Church because it is losing its State lease. He concurs with Mr. Criz's testimony also because of the need to keep their outreach community programs ongoing without interruption.

TESTIMONY BY APPLICANT:

Ms. Meredith Ching of A&B Properties, Inc. and Tom Nance of Tom Nance Water Resources Engineering, support staff's recommendations.

Commissioner Girald made a motion to enter into executive session to confer with counsel on this item.

MOTION: (GIRALD/NISHIDA)

At 10:58 am the Commission went into Executive Session.

The meeting was resumed at 11:13 am.

MOTION: (GIRALD/NISHIDA)

To approve the submittal.

UNANIMOUSLY APPROVED.

Lastly, Ms. Lenore Nakama amended a typographical error in recommendation D of Item 4 above. The first line should read 2,000 gpm and not 2,880 gpm.

MOTION: (GIRALD/NISHIDA)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED.

Since there was no other business, this meeting was adjourned at 11:18 a.m.

Respectfully submitted,

FAITH F. CHING
Secretary

APPROVED AS SUBMITTED:

LINNEL T. NISHIOKA
Deputy Director